

C.C.R.B TRUNCATED CASE CLOSING FORM

Investigator assigned: Charkalis		Team: 2	CCRB#: 0000741	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourtesy <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Date of incident: 2/11/00	Time of incident: 5:30 PM	Location of incident: § 87(2)(b)	Pct. of occurrence: 070	Date S.O.L. Expires: 8/11/00
Date reported: 2/11/00	Time reported: 5:40 PM	To whom/where/how reported: Compliant made by phone to CCRB.		
Complainant: § 87(2)(b)		Home address: § 87(2)(b)		
Victim(s): Same as above		Home address:		
Witness(es):		Home address:		
Subject officer(s) (include rank): PO James Hynes		Shield: 268 8 34	Tax: 922530	Command: 070
Witness officer(s) (include rank):		Shield:	Tax:	Command:
Allegation(s) by letter: A) Discourtesy: PO James Hynes spoke rudely to § 87(2)(b)				Recommendation(s): § 87(2)(g)

Synopsis

In this case, the complainant/victim, § 87(2)(b), stated that she has had problems (on an ongoing basis) with police officers who have been harassing her and her family. On February 11, 2000, the superintendent of § 87(2)(b) building paid her a visit, after he found out that the building's contractor installed a new sink in her apartment without his knowledge. (§ 87(2)(b) stated that she currently has a complaint against the building's landlord for unlivable conditions.) The superintendent asked § 87(2)(b) "Why did he put a new sink in your home? Is it because you gave him some pussy?" The superintendent then came up close to § 87(2)(b) and demanded to see the court papers which she filed against the landlord for the aforementioned living conditions.

After the superintendent left, § 87(2)(b) stated that she called 911 to report his actions. At some point later that day (she did not know when, or how long after she made the call), two officers arrived at § 87(2)(b) apartment, in response to the complaint. § 87(2)(b) stated that she allowed the officers into her apartment. One of the officers (whose name she did not know) immediately entered her § 87(2)(b)-old daughter's room, and ("trying to intimidate her") ordered her to turn down the music (which she had been playing). In her daughter's defense, § 87(2)(b) told the officer, "Excuse me, but [my daughter] is listening [to the music]."


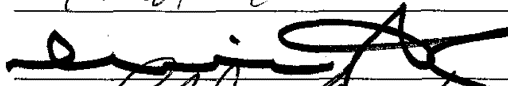

The officer replied, "No. I want it turned off now! While this officer was addressing the daughter, the other officer (who § 87(2)(b) identified as PO Hynes) put his hand on his gun, pulled it out (to his side) "trying to intimidate § 87(2)(b) and asked, "Okay, what's the problem?" § 87(2)(b) told PO Hynes that the superintendent "got fresh" with her, and violated her rights. PO Hynes asked § 87(2)(b) to elaborate on how the super had been "fresh" with her, but the complainant did not want to repeat the sexually explicit remark. PO Hynes insisted that § 87(2)(b) tell him (verbatim) what the superintendent said to her. When § 87(2)(b) repeated the derogatory remark to the officers, PO Hynes (and the other officer) began laughing, and asked § 87(2)(b) "What's wrong with that? There's nothing wrong with [the sexually explicit remark made by the superintendent]." The officers then said to § 87(2)(b) "You got a son who was arrested a couple of days ago." § 87(2)(b) stated that her son's arrest was not the issue.

§ 87(2)(b) stated that her son (§ 87(2)(b)) had been arrested in the past, for loitering in front of the building where she resides, regardless of the fact that § 87(2)(b) had shown the officers his identification, Social Security card, and the keys to the apartment (thus proving that he resides there); § 87(2)(b) could not recall the date when her son was arrested. § 87(2)(b) added that her son had a recent "problem" with a nearby Arab storeowner, who hit § 87(2)(b) in the head with a stick, and left him lying there, bleeding and unconscious. § 87(2)(b) stated that she did not take her son to the hospital for treatment of those injuries.

§ 87(2)(b) subsequently expressed that she did not want to pursue the case, and requested to "drop the matter."

§ 87(2)(g) Team manager Robert Liberatore reviewed the tape-recording of the conversation between complainant/victim Maria Diaz and Investigator Charkalis (on tape number 200000741, Vol. 1, side A). The complainant clearly indicated that she did not want to proceed with the allegations set forth, § 87(2)(b)

As of the date of this report, CCRB has not received the authorized withdrawal form that was previously sent to the complainant. However, § 87(2)(b) stated (on the aforementioned tape) that although she generally fears police presence, she was not coerced into withdrawing her complaint, and is doing so of her own accord.

Investigator:		Date:	4-4-00
Supervisor:		Date:	04.04.00
Reviewed by:		Date:	4/4/00
Reviewed by:		Date:	